



CITY OF NEWPORT BEACH BUILDING DEPARTMENT

3300 Newport Boulevard, P.O. Box 1768, Newport Beach, CA 92658-8915

CASE NO.:

- ☐ **REQUEST FOR MODIFICATION TO PROVISIONS OF TITLE 15 OF THE NEWPORT BEACH MUNICIPAL CODE**
(See Reverse for Basis for Approval) (Fee \$250)
- ☐ **REQUEST FOR ALTERNATE MATERIAL OR METHOD OF CONSTRUCTION**
(See Reverse for Basis for Approval) (Fee \$250)
- ☐ **REQUEST FOR EXEMPTION FROM DISABLED ACCESS DUE TO PHYSICAL OR LEGAL CONSTRAINT**
(Fee \$6,230)

(Ratification by the Board of Appeals will be required.)

For above requests, complete Sections 1, 2 & 3 below by printing in ink or typing.

FOR STAFF USE ONLY	
Plan Check # _____	# of Stories _____
Occupancy Classification _____	
Use of Building _____	# of Units _____
Project Status _____	
Construction Type _____	
Verified by _____	
No. of Items _____	
Fee due _____	
DISTRIBUTION:	
<input type="checkbox"/> Owner	<input type="checkbox"/> Plan Check
<input type="checkbox"/> Petitioner	<input type="checkbox"/> Inspector
<input type="checkbox"/> Fire	<input type="checkbox"/> Other

1 JOB ADDRESS	PETITIONER ADDRESS:
SITE ADDRESS: _____ Owner _____ Address _____ Zip _____ Daytime Phone () _____	Petitioner _____ (Petitioner to be architect or engineer) Address _____ Zip _____ Daytime Phone () _____
2 REQUEST: Submit plans if necessary to illustrate request. Additional sheets or data may be attached.	
3 JUSTIFICATION/FINDINGS OF EQUIVALENCY:	CODE SECTIONS:
Petitioner's Signature _____	Position _____ CA Professional Lic. # _____ Date _____

FOR STAFF USE ONLY	
DEPARTMENT ACTION: In accordance with: <input type="checkbox"/> CBC Appendix 104.11 (Alternate materials & methods) <input type="checkbox"/> CBC Appendix 104.10 (CBC Modification)	
<input type="checkbox"/> Concurrence from the Fire Marshal is required. <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Written Comments Attached	
By: _____ Date _____	
<input type="checkbox"/> Request (DOES) (DOES NOT) lessen any fire protection requirements.	
<input type="checkbox"/> Request (DOES) (DOES NOT) lessen the structural integrity	
The Request is <input type="checkbox"/> Granted <input type="checkbox"/> Denied (See reverse for appeal information)	
<input type="checkbox"/> Granted (Ratification required)	
Conditions of Approval:	
Signature _____ Position _____ Date _____	
Print Name _____	

APPEAL OF DEPARTMENT ACTION TO THE BUILDING BOARD OF APPEALS (See Reverse)
(Signature, statement of owner or applicant, statement of reasons for appeal and filing fees are required.)

CASHIER RECEIPT NUMBER: _____

Guidelines for Approval of Alternate Materials, Design and Methods of Construction

Basis For Approval

For the Building Official and Fire Marshal or their designated agent to approve a request for modification or a request for alternate material or method of construction, he/she must determine that special, individual reasons exist that make compliance with the strict letter of the Code impractical and that equivalency is provided. The resulting condition must be in conformance with the spirit and purpose of the Code provisions involved and that such modification does not lessen fire protection, structural integrity or occupant safety. The applicant must provide sufficient information with this application to allow the above evaluation to be made.

Requirements for Submittals

The applicant design professional shall prepare a Written Report that describes the alternate proposal along with the applicable data listed below:

- State specific code provisions for which alternative is requested and why request is being submitted.
- Describe by code section those provisions for which alternative is desired.
- Compare the proposed alternative versus the code requirements in terms of structural strength, suitability, effectiveness, fire resistance, safety and health impacts affecting the building or user of the building.
- Demonstrate that the proposed alternative is compatible with balance of code requirements.
- When applicable, specify how authoritative consensus document(s) are used to substantiate proposal. (Reference draft ICC Building Performance Code Commentary Section 1.4.2.3 for background information).
- Provide assumptions, references, and documentation of evaluation methods utilized. This includes intended use, input data, anticipated outputs, and limitations of computer models and other analytical tools or methods.
- Specify when and where special inspection and testing are required and the standards of acceptance for demonstrating compliance. Show how the proposed alternate, if accepted, will be identified on the job site.
- Where land use restrictions and building setbacks are required, deed restrictions may be an appropriate method to ensure continued compliance.
- State how and where alternate proposal is incorporated within construction plans and prepare plan amendments as necessary. The design professional has the responsibility to coordinate all construction documents and ensure compatibility between documents.
- The report and design documents shall be dated, signed and stamped by the design professional according to the plan submittal procedure.
- For alternate methods of design requests, the applicant shall set performance criteria for his design. Performance criteria shall be reviewed, amended and approved by the Building Official prior to start of design.

Alternative Design Review/Verification

The Building Official has the responsibility to review design submittals for compliance to the adopted codes and procedures. If the Building Official does not have the expertise on staff to make a thorough and competent review, the Building Official shall select a consultant that possesses the necessary qualifications to perform a third-party or peer review. Cost of peer review shall be paid by applicant to the Building Department prior to commencing the review.

- Verify that all applicable information and justifications listed above as requirements for submittals is received and verify that evaluation and design methods used by designer are appropriate to the alternative proposed.
- Verify products are being used in accordance with their listing conditions as required by recognized listing agencies. If not available, require documentation and/or testing to demonstrate compliance with intent of code and intended use.
- Evaluate performance of material and possible flaws that could affect performance of material in its installed state.
- The reviewer shall document that the submittal has been reviewed and accepted as meeting the alternative materials, design and methods of construction provisions of the code. If the Building Official is not satisfied that the applicant has met the conditions, the request should be denied in writing with the applicable reason(s).

Inspection/Field Verification

The alternate proposal as approved in the construction documents must be verified by inspection, and, where necessary, testing as follows:

- To verify that alternate materials, systems and fabricated products comply with accepted design criteria and the manufacturer's and engineer's installation procedures, inspectors should check product labeling, certification, quality assurance processes, and testing, as applicable.
- When appropriate, an approved third party quality assurance inspection and testing service may be required for continuous and complex inspection and testing activities. This is intended to verify that construction complies with the code and the approved plans.

Information on Procedure for Appeal from a Determination or Action by the Building Official or Fire Marshal

Appeal from the determination or action of the Building Official or Fire Marshal or their designated agent may be made to the Building Board of Appeals. To appeal, the applicant must provide special individual reasons that make compliance with the strict letter of the Code impractical. Appeals or ratifications pertaining to State Disabled Access Standards require complete evidence to substantiate that the proposed design is equivalent to that prescribed by that standards or that due to legal or physical constraints, compliance with the standards or providing equivalency would create an unreasonable hardship.

Appeals must be submitted on the Appeal Form available at Permit Counter accompanied by the proper fee. You will be notified in writing of the appeal hearing's time and date.